

REMARKS

Reconsideration and allowance of the application as amended is requested.

1. Claims 1 has been amended to state "the audible indication."
2. Claim 18 has been amended to state "said holster body."
3. The Examiner has rejected claim 1 for citing "an audible indication" when it should have said "the audible indication." This correction has been made.
4. The Examiner has rejected claim 18 because the "said holster inner sleeve" was stated incorrectly. This has been corrected to state "said holster body."
5. The Examiner rejected claims 1 and 2 as being anticipated by Gallagher. Gallagher, U.S. Patent No. 5,512,155, is a holster lock. The holster lock of Gallagher is a generally wedge shaped device that contains a channel (30). The wedge shaped device (14) is built into a holster (12), with the channel (30) oriented in such a way that the trigger guard of a handgun slides into the channel (30), where it is locked in place. The wedge shaped device of Gallagher is covered by the material of the holster, as shown in Fig. 3. As the Examiner notes, Gallagher includes a locking means (28) for preventing the withdrawal of a handgun. A releasing means for releasing the locking means by the user's index finger and a biasing spring (44) are also present. However, the Examiner is incorrect in stating that the device of Gallagher also includes a finger tube (14). The locking device of Gallagher is released by the user pressing a button (25), in a direction (A). As shown in Fig. 3, the button (25) is located on the exterior of the holster, and may be depressed by the wearer of the holster or someone standing to the side of the person, or someone standing in front or behind the person wearing the holster. Fig. 3 shows the holster having a side (12, 12A), with the button (25) extending above the surface of the

holster side (12A).

6. This is in contrast to the holster of the present invention. The locking release of the present invention is contained within a tube that is clearly visible in Figs. 4A and 4B. In these figures, finger tube 46 is clearly visible as it would be looking down into the holster, with the release tab 26 available for depression by the user. The physical structure of the finger tube is completely lacking in Gallagher, which actually teaches away from protecting the release mechanism 25.

7. The purpose of the finger tube is to shield the release tab 26 from being depressed by anyone but the wearer of the holster. If the holster of the present invention is worn by a right handed user, a right handed person standing to the user's right, would have a difficult time inserting his right hand into the finger tube of the invention, because he/she would have to reach across his/her body. If a person were standing in front of the wearer of the holster, facing the wearer, he/she would also have to reach across the wearer's body to insert his/her right hand. It would be very difficult to depress the release tab 26 with a facing person's right hand. He/she could reach into the holster directly with the left hand, but the part of the holster that contained the slide of the handgun would also make that difficult, due to the partial blockage. A person behind the wearer of the holster could extend a finger of his/her right hand into the finger tube 46.

8. However, each of these releasing actions by another person is made much more awkward by the release tab 26 being shielded by the finger tube 46. In a struggle for a weapon, which a police officer might face, it would also be much more difficult for an assailant to release the officer's handgun from a holster of the invention because of the finger tube. During a

struggle, the holster would not be standing still, but would be moving with the officer's body. Since the material of the finger tube is rigid, an assailant risks having his finger broken or injured in the finger tube during a struggle for the weapon in the holster. Besides controlling access to the finger tube by moving his/her body, the officer could simply place a hand over the first arm 20 of the lock, and prevent the handgun from being withdrawn by an assailant. For these reasons, the finger tube 14 of the present invention is an important security feature, and is not found in Gallagher.

9. There is an additional feature that the holster of the present invention has, and which Gallagher does not have. In order to release a handgun from the locking holster of Gallagher, a person has to press down on a button with his/her index finger, while at the same time removing the gun from the holster. This could conceivable be done by the other fingers of the hand, but would be somewhat awkward if the index finger could not move from the button. This problem is solved in the holster of the present invention by the releasing means being an elongated tray on which the user's finger can slide. Thus, the user can depress the releasing means, release the handgun, and remove the handgun from the holster while his/her finger slides along the finger tray, and maintains the releasing mode of the releasing means. This results in a much more natural release and draw of the handgun from the holster.

CONCLUSION

Applicant now believes the application is in condition for allowance and respectfully requests the same. If the Examining Attorney is of a different opinion, he is requested to telephone the undersigned at the number given below.

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 10th day of March 2003.

Very respectfully,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. *Claim 1 has been amended as follows:*

1. (Amended) A security holster for use with a handgun, the handgun having a trigger guard and trigger, wherein the holster includes, with respect to a front and back of a user of the holster, inner and outer spaced substantially rigid sidewalls formed to define an inner cavity and an open top portion for receiving a handgun therein and for removing a handgun [therefrom]there from, the improvement comprising:

a locking means adapted to engage, with an audible indication of locking, a handgun feature of a handgun placed in said inner cavity of said security holster, thereby preventing the withdrawal of said handgun prior to release of said locking means;

a releasing means located adjacent said trigger of said handgun, for releasing said locking means by flexure of a user's index finger;

a finger tube located in said outer sidewall surrounding said releasing means; wherein said security holster is configured for one handed insertion of a handgun into said security holster with the[an] audible indication of locking, and for retention of said handgun until said locking means is released by said releasing means by a user depressing said releasing means by flexure of an index finger.

2. *Claim 18 has been amended as follows:*

18. (Amended) The security holster of claim 17 in which said locking tab is attached to said spring plate assembly by a floating connection, in which said locking tab is allowed a limited freedom of motion in its attachment to said spring plate assembly, so that if said handgun is forcefully withdrawn from said security holster without releasing said locking tab, said locking tab is pulled into engagement with said holster body, so that force applied to withdrawing said handgun is transferred to said holster body[inner sleeve] and is not directed to said spring plate assembly.



CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on March 10, 2003. ✓

Shannon M. Wilson

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